

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on November 8, 2007, claims 12-17, 20-21, 24-29, 33, and 35-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,498,656 to Mastie et al. (hereinafter "Mastie") in view of U.S. Patent Application Publication No. 2002/0001495 to Mochizuki (hereinafter "Mochizuki") and claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mastie in view of Mochizuki in further view of U.S. Patent Application Publication No. 2003/0160993 to Kang (hereinafter "Kang"). Applicant therefore respectfully provides the following:

The specification and claims 12, 17, 20, 24-29, 33, 34, and 40-46 are amended herein.

In the Office Action, the Examiner indicated that the Office interprets the claim terms "client computer device" and "client computer devices" as one of the printers on the network in the cited references. (See Office Action at page 13, second full paragraph.) In response, and as was discussed with the Examiner in the telephonic interview, Applicant has amended the claims to read "client computer" and "client computers." Additionally, Applicant has amended the specification to delete "multi-processor system" and "processor-based consumer electronic device" from the description of "computer device." Applicant respectfully submits that the amendments submitted herein clearly distinguish the claimed "client computer(s)" from printers, and expressly disclaims any interpretation of "client computer" or "client computers" in the claims that includes printers. Therefore, Applicant respectfully submits that the claims are not made obvious by the cited references for at least the following reasons.

M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when making an obviousness rejection under Section 103: “Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved.” (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) Additionally, one helpful standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). This standard is particularly helpful in evaluating the first two *Graham* factual enquiries of the scope and content of the prior art and the differences between the prior art and the claims at issue. Applicant respectfully submits that the references cited in the Office Action, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein.

In particular, independent claim 12 recites: “broadcasting an intent to send the print job from the first client computer to the printing device, wherein the intent is broadcast from the first client computer to a plurality of the client computers connected to the printing device via the network without including the print job in the broadcast intent; distributively managing the print job and a prioritization of the print job until the first client computer sends the print job to the printing device, wherein the distributively managing the print job and a prioritization of the print job comprises: determining whether a response to the broadcast intent is received by the first

client computer from one or more of the plurality of the client computers; and sending the print job from the first client computer to the printing device only after an event selected from the following events occurs: receiving no response to the broadcast intent at the first client computer; and receiving a response to the broadcast intent at the first client computer from at least one of the plurality of the client computers, followed by receiving a permission to send the print job to the printing device at the first client computer from the at least one of the plurality of the client computers.” Such limitations are not taught by the cited references, either alone or in combination.

Applicant’s claimed invention provides a mechanism whereby network-connected client computers can arbitrate amongst themselves so as to determine when the various client computers should be permitted to send print jobs to printers. This arbitration occurs without sending the full print job between the various client computers and without requiring that a dedicated print server be a part of the network. Instead, as is clearly set forth in the claims, information about a print job to be printed is broadcast by a client computer, intending to print, to other clients computers on the network to determine if the client computer may print the job. Other client computers can then respond if they are managing other print jobs to control when the first client computer prints. This distributive management of print order, as claimed, is clearly different than the system and methods taught by Mastie, Mochizuki or the combination thereof.

Mastie does not teach any communication between clients, and the Examiner has acknowledged that Mastie does not teach the claim limitations of broadcasting an intent..., determining whether a response is received..., receiving no response..., and receiving a response... followed by receiving a permission.... (See Office Action at page 3, last paragraph.)

Additionally, Applicant set forth in clear detail in a prior response why Mastie does not teach such limitations. In the Office Action, the Examiner has relied on Mochizuki as teaching these claim limitations, relying on paragraphs [0041]-[0043]. Applicant respectfully disagrees.

Specifically, claim 12 requires “determining whether a response to the broadcast intent is received by the first client computer from one or more of the plurality of the client computers.” Mochizuki does not teach any determination of whether a response is received from one or more of a plurality of client computers, but teaches a host that waits for responses from a printer. (Para [0043], lines 1-9; see also Para [0041], lines 3-7 on page 4; Para [0042], line 1; other examples are available at Fig 14A, steps 5-6; Fig 14B steps 13-14; Fig 18A steps 5-6; Fig 18B steps 13-14) Mochizuki clearly does not teach any responses received from other client computers. For similar reasons, it is clear that the cited portion of Mochizuki also does not teach the claim limitations of “receiving a response to the broadcast intent at the first client computer from at least one of the plurality of the client computers, followed by receiving a permission to send the print job to the printing device at the first client computer from the at least one of the plurality of the client computers,” as no responses are taught by Mochizuki as being generated by other client computers and being received by the first client computer from other client computers. Again, Applicant emphasizes that Mochizuki only teaches receiving responses from a plurality of printers.

Therefore, Mochizuki fails to teach the same limitations that the Examiner has already acknowledged are not taught by Mastie. As neither Mastie nor Mochizuki teaches these claim limitations, the combination of Mastie and Mochizuki also fails to teach these claim limitations. For at least these reasons, Applicant respectfully submits that claim 12 is not made obvious by the cited combination of references.

Independent claim 28 contains similar limitations to those discussed above regarding claim 12. Claim 28 is also therefore not made obvious by the cited references. Claims 13-17, 20-21, 24-27, 29, 33, and 35-39 depend from one of claims 12 or claim 28 and are therefore similarly allowable.

Independent claim 40 contains similar limitations to those discussed above. Specifically, claim 40 recites: “a response from a second client computer indicating that the second client computer is managing sending of print jobs to the printing device, wherein the response includes one of: an indication that the second client computer has no objection to the first client computer sending the first print job to the printing device; an objection to and denial of the immediate sending of the first print job to the printing device by the first client computer; and an indication that a conflict must be resolved in order to permit the first client computer to send the first print job to the printing device.” Such limitations are not taught by the cited references for similar reasons to those discussed above.

Specifically, the Examiner has acknowledged that Mastie fails to teach these limitations. (See Office Action at page 3.) The portion of Mochizuki cited by the Examiner also fails to teach these limitations, as the cited portion teaches a response from printers, not a response from a second client computer. (Para [0043], lines 1-9; see also Para [0041], lines 3-7 on page 4; Para [0042], line 1; etc.) As every instance of the cited portions of Mochizuki teach that the response is from the printer and not from a second client computer, Mochizuki clearly does not teach the limitations that the Examiner has acknowledged are not taught by Mastie.

As neither Mastie nor Mochizuki teaches the recited claim limitations, the combination of references also fails to teach the claim limitations. For at least these reasons, Applicant therefore

respectfully submits that claim 40 is not made obvious by the cited combination of references. Claims 41-49 depend from claim 40 and are therefore similarly allowable for at least the same reasons.

Claim 34 was rejected as being unpatentable over Mastie in view of Mochizuki in further view of Kang. Applicant respectfully submits that claim 34 is not made obvious by the cited references. Specifically, claim 34 depends from claim 12, and also includes the allowable limitations contained therein by dependency. Applicant respectfully submits that these limitations are not taught by Kang, or by the combination of the other cited references with Kang, and that therefore this claim is not made obvious by the cited combination. In the Office Action, Kang was relied on as teaching registering a client device for distributed management. This relied-upon teaching does not include teaching management of a print job using communications between client computers in the manner contained in the claims and discussed above.

Specifically, Kang teaches a method for a workstation to print on a network printer not necessarily installed on the workstation. (Para [0010].) This is accomplished, according to Kang, by “querying a server” for printer information contained in print queues on the server. (Para [0013], emphasis added.) The use of servers is described further in Kang in nearly every paragraph. With such disclosure, it is clear that Kang does not teach management of print jobs without using a server, as is required by the rejected claim. Furthermore, Kang discloses information passing from the workstations to the servers, but does not disclose the claimed client-to-client communications as part of client-based serverless distributive management of print jobs.

Applicant respectfully submits, therefore, that the combination of Kang, Mastie, and Mochizuki fails to teach or suggest all claim limitations of the rejected claim 34, as is required for a *prima facie* case of obviousness. As the cited references fail to make obvious claim 34, Applicant respectfully requests removal of the rejection under 35 U.S.C. § 103(a).

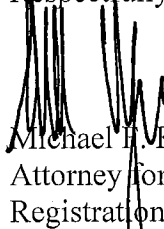
Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made in the Office Action.

CONCLUSION

Applicant submits that the claims are in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 25 day of January, 2008.

Respectfully submitted,



Michael H. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893